

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ROSARIO GUZZI

Petitioner,

v.

MICHAEL THOMPSON ,

Respondent.

Civil Action No. 05-10300-RWZ

**RESPONDENT'S MOTION FOR AN ENLARGEMENT
OF TIME IN WHICH TO FILE A RESPONSIVE PLEADING**

Now comes the Respondent, Michael Thompson, the Superintendent of the Massachusetts Correctional Institution-Shirley, and hereby respectfully moves this Court to enlarge the time in which he must answer or otherwise plead until June 13, 2005. The respondent's responsive pleading is currently due on May 10, 2005. In support of this motion the respondent states:

1. This is a federal habeas corpus petition, brought pursuant to 28 U.S.C. §2254, from the petitioner's 1997 convictions for intimidating a witness and violating a restraining order, alleging: (1) the indictments did not charge the petitioner with the crimes with which he was convicted; (2) the error alleged in ground one was not harmless; (3) insufficient evidence; and (4) actual innocence.

2. The respondent has requested necessary documents from the Middlesex County District Attorney's Office and has yet to receive those documents. Due to the need to review these documents, and counsel's other responsibilities in the Attorney General's Office, the respondent will require more time to properly answer the petition.

3. No previous application has been made to this Court for an enlargement of time to answer or otherwise plead.

WHEREFORE, the Respondent requests that this Court enlarge the time in which he must answer or otherwise plead until June 13, 2005.

Respectfully submitted,

/s/ Eva M. Badway
Eva M. Badway
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Dated: May 4, 2005

CERTIFICATE OF SERVICE

I hereby certify that, on May 4, 2005, I caused to be served a true and correct copy of the foregoing Motion for an Enlargement of Time by mailing a copy of the same by first class mail, postage prepaid, and addressed as follows: Rosario Guzzi, *pro se*, MCI-Shirley Medium, P.O. Box 1218, Shirley, MA 01464.

/s/ Eva M. Badway
Eva M. Badway